

**UNITED STATES BANKRUPTCY COURT**

**FOR THE**

**EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

In the Matter of:

DANNY GLENN DENNISON

Debtor

Chapter 13

Case No. 11-16996-BFK

**OBJECTION TO CONFIRMATION OF PLAN,**  
**NOTICE OF OBJECTION TO CONFIRMATION OF PLAN**  
**AND**  
**NOTICE OF SCHEDULED HEARING ON THIS OBJECTION**

Thomas P. Gorman, Chapter 13 Trustee, has filed this objection to confirmation of your Chapter 13 Plan filed August 2, 2012. The cause for this objection is as follows:

**Violation of 11 U.S.C. §1325(b)(1)(B) – Disposable Income & 11 U.S.C. §1325(a)(3) – Good Faith**

Debtor's Plan proposes to pay \$512.50 a month for 8 months, then \$800.00 a month for 4 months, then \$1,136.00 a month for 48 months for a total Plan funding of \$61,828.00, and a 13% distribution to unsecured creditors.

This is Debtor's Fourth Modified Plan, and fifth proposed Plan in this case overall. Although Trustee's objections have raised the same issues with each of Debtor's modified Plans, Debtor continues to file Plans with the same issues and cannot be confirmed.

Despite Trustee's previous disposable income objections, Debtor's current Plan actually lowers his total Plan funding by \$22,080.00. Although Debtor's Plan now accounts for the fact that he and his non-debtor spouse are separated, they both still live in the same house and operate as a single economic unit.

Debtor's Schedule I states that his non-debtor spouse only contributes \$491.00 per month toward the household when her gross monthly income is \$9,657.68 per month, compared to Debtor's \$3,919.00 a month in Social Security and pension income. Further, Debtor's Schedule J has Debtor claiming the entire mortgage payment for the house that both Debtor and his non-debtor spouse currently live in.

**Notice of Objection To Confirmation**

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Finally, even though Debtor's current Schedule J has him claiming a disproportionate amount of the joint household expenses, Debtor's net monthly income is still \$1,026.00. However, Debtor's Plan proposes monthly payments for the first year of the Plan that are far less than his stated disposable income. Thus, Debtor's Plan cannot be confirmed as it does not contribute all of his disposable income toward his Plan payments.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not wish the court to grant the relief sought in the objection, or if you want the court to consider your views on the objection, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must mail a copy to the persons listed below.

***Attend the hearing to be held on September 6, 2012 at 1:30 p.m. in Courtroom #1 on the 2<sup>nd</sup> floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, Virginia 22314.*** If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman  
300 North Washington Street, Ste, 400  
Alexandria, VA 22314

Clerk of the Court  
United States Bankruptcy Court  
200 South Washington Street  
Alexandria, VA 22314

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If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: \_August 27, 2012\_\_\_\_\_

\_\_\_\_/s/ Thomas P. Gorman\_\_\_\_\_

Thomas P. Gorman  
Chapter 13 Trustee  
300 N. Washington Street, #400  
Alexandria, VA 22314  
(703) 836-2226  
VSB 26421

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this 27th day of August, 2012, or served via ECF authorized users or mailed a true copy of the foregoing Objection to Confirmation, Notice of Objection and Notice of Hearing to the following parties.

Danny Glenn Dennison  
Chapter 13 Debtor  
4001 Buckingham Court  
Dumfries, VA 22025

Martin C. Conway  
Attorney for Debtor  
4391 Ridgewood Center Drive  
Suite E  
Woodbridge, VA 22192

\_\_\_\_/s/ Thomas P. Gorman\_\_\_\_\_  
Thomas P. Gorman